

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

UNITED STATES OF AMERICA,
AND THE STATE OF
CALIFORNIA, ex rel. EDWIN
GVALEVECH,

Plaintiffs,

v.

KROGER SPECIALTY
PHARMACY, INC., KROGER
SPECIALTY PHARMACY CA2,
LLC, ERL MEDICAL
CORPORATION, EMMANUEL R.
LIM, MD.,

Defendants.

Case No. CV 17-02141 SB(Ex)

**ORDER OF DISMISSAL ON
STIPULATION**

Based upon the Stipulation of Dismissal filed by the parties on April 20, 2023, and the separate consents to dismissal filed by the United States and the State of California (Dkt. Nos. [164](#), [165](#), [166](#)), IT IS ORDERED that Plaintiffs' claims against Defendants ERL Medical Corporation and Emmanuel R. Lim, M.D., are dismissed pursuant to Rule 41(a)(1)(A)(ii) without prejudice,¹ and without costs or disbursements to any party. A final judgment will be entered separately.

Dated: April 20, 2023



Stanley Blumenfeld, Jr.
United States District Judge

¹ The parties' proposed order states that "the action" is dismissed without prejudice. The Court dismissed Plaintiffs' claims against the Kroger Defendants with prejudice, and it does not appear that the stipulation of dismissal—to which the Kroger Defendants are not signatories—was intended to alter the nature of the prior dismissal.